

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EVANSTON INSURANCE COMPANY, a
company organized under the laws of the
State of Illinois,

Plaintiff,

v.

KENNETH ELDON PARKER, an
individual; RENEE SHEERAN, an
individual,

Defendants.

No.: 2:22-cv-00195-BJR

STIPULATION TO EVANSTON
INSURANCE COMPANY'S FIRST
AMENDED COMPLAINT FOR
DECLARATORY JUDGMENT

IT IS HEREBY STIPULATED, by and between Plaintiff Evanston Insurance Company ("Evanston"), and Defendants Kenneth Eldon Parker ("Parker") and Renee Sheeran ("Sheeran") (collectively, the "Parties") in the above-entitled, by and through their respective counsel of record, that Evanston file its First Amended Complaint for Declaratory Judgment.

I. LEGAL AUTHORITY

Under Fed. R. Civ. P. 15(a), after the 21-day "as a matter of course" time period has passed, amendment of a pleading is permitted only with the opposing party's written consent or leave of court. FRCP 15(a)(2). In addition, Rule 15(d) specifically allows the filing of

supplemental pleadings to allege new claims or defenses even though the original pleading is defective. FRCP 15(d). Under the Local Court Rule 15, a party who seeks to amend a pleading by stipulated motion and order, must attach a copy of the proposed amended pleading as an exhibit to the motion and indicate how it differs from the pleading that it amends by bracketing or striking through the text to be deleted and underlining or highlighting the text to be added. W.D. Wash. Civ. R. 15.

II. STIPULATION

Pursuant to Fed. R. Civ. P. 15(a)(2) and Local Court Rule 15, the Parties stipulate for Evanston to file its First Amended Complaint for Declaratory Judgment, as follows:

1. Evanston to add E.R. as Defendant in the above-caption case, arising out of the underlying state court lawsuit captioned *E.R. v. Kenneth Eldon Parker, et al.*, Snohomish County Superior Court Case No. 21-2-05158-31, filed by E.R., a minor, against Parker and Chiropractic Health & Wellness Center, Inc. (“CHWC”), alleging sexual assault and inappropriate exposure or fondling of her breasts.
2. Evanston to add Carolina Traugott (“Traugott”), Catherine Suiter (“Suiter”), and Shannon Estrada (“Estrada”) as Defendants in the above-captioned case, arising out of the underlying state court lawsuit captioned *Carolina Traugott, Catherine Suiter, and Shannon Estrada v. Kenneth E. Parker, et.al.*, Snohomish County Superior Court Case No. 22-2-02991-31, filed by Traugott, Suiter, and Estrada against Parker and CHWC, alleging sexual assault and inappropriate exposure or fondling of their breasts.
3. Evanston to add a renewal Specified Medical Professions Insurance Policy No. SM937474 issued to Parker by Evanston for the policy period beginning September 1, 2020 and ending on September 1, 2021.

4. Evanston to provide policy coverage defenses under the renewal policy applicable to each underlying lawsuit: (1) Sheeran, (2) E.R., and (3) Traugott, Suiter, and Estrada.

Filed herewith are redlined and clean copies of the Proposed First Amended Complaint for Declaratory Judgment, **Exhibit A** and **Exhibit B**, respectively.

III. CONCLUSION

IT IS SO STIPULATED that Evanston files its First Amended Complaint for Declaratory Judgment.

DATED: September 7, 2022

BULLIVANT HOUSER BAILEY PC

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THE MARSHALL DEFENSE FIRM

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ORDER

ORDERS that Plaintiff's Stipulation for Leave to Amend Complaint is **GRANTED**, and Evanston Insurance Company may file the version of the Amended Complaint attached as Exhibit B thereto (Dkt. 20-2).

IT IS SO ORDERED.

Dated: October 3, 2022



HONORABLE BARBARA J. ROTHSTEIN